

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

Mark Latimer,

Case No. 23-cv-0190 (KMM/DJF)

Plaintiff,

v.

**ORDER**

Paul Schnell, Official Capacity; and William  
Bolin, Official Capacity,

Defendants.

---

**IT IS HEREBY ORDERED THAT:**

1. Plaintiff Mark Latimer has satisfactorily paid the initial partial filing fee to proceed *in forma pauperis* in accordance with the Court's March 14, 2023 Order (ECF No. [6]).
2. The Court directs the U.S. Marshals Service to effect service of process on Defendants Paul Schnell and William Bolin in their official capacities as agents of the State of Minnesota consistent with Rule 4(j) of the Federal Rules of Civil Procedure.
3. Mr. Latimer must pay the unpaid balance (\$150.00) of the statutory filing fee for this action in the manner prescribed by 28 U.S.C. § 1915(b)(2), and the Clerk of Court shall provide notice of this requirement to the authorities at the institution where Mr. Latimer is confined.
4. Mr. Latimer's motion for appointment of counsel (ECF No. [3]) is **DENIED**. "A pro se litigant has no statutory or constitutional right to have counsel appointed in a civil case." *Stevens v. Redwing*, 146 F.3d 538, 546 (8th Cir. 1998); *see also In re*

*Lane*, 801 F.2d 1040, 1042 (8th Cir. 1986) (“The decision to appoint counsel in civil cases is committed to the discretion of the district court.”). It is not yet clear that assistance of counsel will benefit either Mr. Latimer or the Court in this proceeding. As a practical matter, there is little for appointed counsel to do at this time. This matter has survived initial review under § 1915A and officers of the Court will effect service of process on behalf of Mr. Latimer. *See* 28 U.S.C. § 1915(d). But neither Mr. Latimer nor the Court can know at this juncture what defenses might be raised in opposition to the Amended Complaint or whether assistance of counsel is likely to substantially assist Mr. Latimer in responding to those challenges. That said, the Court will reconsider the request for appointment of counsel *sua sponte* should circumstances dictate later in the proceedings.

Dated: April 12, 2023

*s/ Dulce J. Foster*

DULCE J. FOSTER

United States Magistrate Judge